



**STATEMENT OF PROCEEDINGS
FOR THE LOS ANGELES COUNTY
SUPERVISORIAL DISTRICT BOUNDARY REVIEW
COMMITTEE
KENNETH HAHN HALL OF ADMINISTRATION
500 WEST TEMPLE STREET, ROOM 381B
LOS ANGELES, CALIFORNIA 90012**

Wednesday, July 6, 2011

2:00 PM

ROLL CALL

Present: Chair Pedersen, Commissioner Andrade, Commissioner Reyes, Commissioner Martinez, Commissioner Ollague, Commissioner Escandon, Commissioner Harris, Commissioner Acebo, Commissioner Hatanaka, Commissioner Napolitano, Commissioner Hoffenblum, Commissioner Sun and Commissioner Mejia

Excused: Vice Chair Holoman, Commissioner Choi, Commissioner Friedman, Commissioner Flores, Commissioner Hollister, Commissioner Hernandez and Commissioner Tse

1. Call to order and introduction by Chair Pedersen. (11-3148)

The meeting was called to order by Chair Pedersen at 2:15 p.m.

Chair Pedersen offered members of the public an opportunity to address the Committee at the beginning and end of the meeting.

Alex Reza, a teacher, resident of the San Fernando Valley and member of the San Fernando Valley Redistricting Coalition, addressed the Committee as a citizen with a primary interest in the Latino community. He stated that since the Latino community has grown so much in the San Fernando Valley, it is important for the Latino community to have a stronger voice within government. He urged the Committee to consider: Plan M1 (Joseph M Sanchez Memorial Plan); Plan N1 (Velasquez/Clayton Plan 2); Plan Q1 (MALDEF Submission 1); and Plan R1 (MALDEF Submission 2) as the communities within those plans have similar issues of concern including transportation, education, economic development, and that effective representation within those communities will greatly improve the quality of life.

Commissioner Reyes asked at what school and what grades levels he taught.

Mr. Reza responded that he taught Social Studies at San Fernando High School.

Larry Forester, Mayor and resident of the City of Signal Hill addressed the Committee. Mr. Forester stated he has served as an elected official since 1998 and that the City of Signal Hill likes the Supervisory boundaries the way they are. He added the communities of interest, parks, public spaces, businesses are not only geographically connected – they are connected by the same school district and transportation corridors. Signal Hill is connected by services to two communities of interest; the disability community and services to the Gay Lesbian and Transgender community. Signal Hill shares with Long Beach, the largest population of Cambodians outside of Cambodia. Supervisor Knabe has served the community well and continuously fights for our well being. The community has suffered much and they do not trust easily and Supervisor Knabe has earned their trust. In looking at the Los Angeles County Redistricting webpage, there are some maps that make significant changes to the 4th District. Many of these plans split communities that have shared the same services, interests and representation for over 20 years. The 4th District needs about 40,000 more people, yet some of these maps would disrupt the interests, services and representation of hundreds of thousands of people. In reading the letters from the Redistricting webpage, they ask that you leave their boundaries as they are with as little change as possible. This process is about listening to the people. If you change the boundaries, you are ignoring the people and ask that you listen to them and that you listen to us.

Elizabeth Nelson, a resident of Altadena: though the City of Altadena is unincorporated, it is the largest unincorporated area in Los Angeles County. Yet many of the maps submitted before the Boundary Review Committee split Altadena in two. Splitting Altadena will split their voice. Altadena needs to stay as a single city. We would like to stay within the Foothill community. We would like to stay within the 5th District, as Supervisor Antonovich has been very actively involved with many of the community issues bringing facts directly to the Board of Supervisors (BOS) that otherwise would not have been heard. Splitting up Altadena would weaken their voice and make it harder for their issues to be heard because as an unincorporated city, the BOS is their only voice.

Please keep Altadena together with the other Foothill communities.

Commissioner Ollague asked which plans split Altadena?

Ms. Nelson – Not sure off hand which plans split Altadena between the 5th and 1st District. Supervisor Molina doesn't even have a field office near Altadena. The nearest office is in Downtown Los Angeles and that doesn't help. The City of Altadena has a Town Council but because they are unincorporated, they can't pass any laws. It is left up to the BOS.

Jayme Wilson, resident of San Pedro, addressed the Committee and stated that he is very concerned with the new boundaries proposed for the 4th District for San Pedro and South Bay which are proposed to be removed from the 4th District. The entire South Bay, including San Pedro and Long Beach are communities of interest. Supervisor Knabe knows the district and has done a lot for the district. Splitting will make it very difficult to get representation. He asked that San Pedro not get split from the 4th District.

Randy Gordon, President and CEO of the Long Beach Area Chamber of Commerce, addressed the Committee and strongly supported and urged the Committee to keep the City of Long Beach as part of the 4th Supervisorial District in the final outcome of the redistricting process. Splitting Long Beach into multiple County Supervisorial Districts would have a negative impact on the County's second largest city. The 4th District has been Long Beach's home for many years, establishing a firm relationship between supervisors and the City that has been crucial in tackling problems. It is a district that is very reflective of the County as a whole in that it is racially and geographically diverse, but is made up of a number of communities of interest that share the idea that they are well represented now, and they wish to continue to be in the future. Now is not the time to disrupt the historical continuity by dividing Long Beach into multiple districts, forcing supervisors unfamiliar with Long Beach to balance its need with that of other cities. Splitting up Long Beach would create a patchwork of policies, programs, and taxes that begin and end depending on individual streets. This lack of uniform policy guidelines could make life harder for businesses if they choose to locate, or relocate in Long Beach. Long Beach is situated in a district that contains cities with similar needs, and therefore maximizes the effectiveness of proposed policies. While we all understand that the districts need to be reconfigured to ensure equal representation for all, we should keep in mind what works. In the case of Long Beach, that means keeping the entire City in the 4th District.

We do not want to see our neighborhoods, communities and cities divided into separate districts. The 4th District boundaries, as currently drawn, should be maintained as much as possible. Split communities could result in changes to the service quality and timelines we have come to expect from the County. Mr. Gordon hopes the Boundary Review Committee seriously considers his input, as any redistricting changes would have a huge impact on the community.

Commissioner Reyes asked Mr. Gordon to explain the changes in taxes.

Mr. Gordon responded that there would be no taxes that would change, however the policies, procedures and having the common knowledge would.

I. ADMINISTRATIVE MATTERS

2. Approval of Minutes of June 27 and 29, 2011. (11-3144)

On motion of Commissioner Hatanaka, seconded by Commissioner Martinez, unanimously carried, the minutes from the meeting of June 27, 2011 were approved and the minutes from the meeting of June 29, 2011 were continued to July 11, 2011 for approval.

Attachments: [SUPPORTING DOCUMENT - June 27, 2011](#)

II. REPORTS

3. Report on redistricting website activity. (11-3146)

Susan Herman of the Chief Executive Office gave a verbal report of the redistricting website activities. The website continues to grow strong with 25,719 individual viewers on the website. The most popular sections visited are as follows:

1. Submitted Plans
2. Summary of Comments and Letters Received
3. Meeting Schedule/Committee Bios
4. Meeting Schedule of Important dates

Ms. Herman stated there are fewer individuals are being referred from other sites. Meaning, viewers are coming directly to the site.

Mr. Zimmerman stated under the Public Comments section of the website, a

summary of comments has been added to the top of webpage from the 10 Community Meetings. There are over 400 correspondence received so far. Those are being posted to the website as they are received. Staff will try to categorize those comments at a later date.

4. Staff report on district assignment of City of Azusa in Plan S1. (11-3143)

Mr. Zimmerman stated this request was made during the staff report on Plan S1 indicating there was a split; however it was hard to tell from the map. There appeared to be no population in the split-off part. Staff was asked to clarify.

David Ely, Consultant, stated the plan as submitted had Azusa as defined by the Census Bureau whole within the 1st District. The problem is the Census Bureau made an error in the boundary definitions of the City of Azusa. In fact, there are errors in the geography in general in that area. There is a small piece of Azusa that is currently in the 5th District and is outside of the Census boundaries of the City of Azusa. So that area remained in the 1st District in the submission. Therefore, according to the County's official definition for the City of Azusa, the City is split. In terms of territory, there is no population there. It is clear that the intent of the proposal was to keep the city whole and it would be an easy correction to make if the Committee wished to do that.

Commissioner Martinez asked if he knew the exact streets and if it is the University?

Mr. Ely – The Census geography does not follow streets. It is the eastern boundary of the City of Azusa and the newly developed area. The Census Bureau shapes do not necessarily reflect reality. It is not the University.

Commissioner Ollague asked if we are also able to address the other split communities. The proposers of the S1 Plan stated the number of split communities were much smaller than what was reported in the staff report.

Mr. Zimmerman – They thought we reflected more splits than they thought they had. The misunderstanding may have come from the fact that when we include splits, we include splits within communities within LA City, and unincorporated communities. The proponent was referring to only city splits. However, there could be other instances, as Mr. Ely was stating in the incongruity between RDUs based upon official boundaries and what the Census geography indicates.

Also as stated by Mr. Ely, those things can be easily remedied depending on what the Committee wants.

- 5. Staff report on maps depicting areas of greater than 50% African-American and Hispanic residents in the County for 2000 and 2010. (11-3180)**

Martin Zimmerman provided four individual maps as requested by the Committee at a previous meeting based on the map that David Ely provided showing a change from the 1980 lines, to the lines that were imposed by the Garza decision. The Committee had asked to see the same maps for 2000 and 2010.

- First map shows the 2000 population of 50% or greater Latino, African American and Asian population with the 1991 supervisory boundaries.**
- Second map shows the 2000 population of 50% or greater Latino, African American and Asian population with the 2001 supervisory boundaries adopted by the Board.**
- Third map shows a greater than 50% population of Latinos, African Americans and Asians using the 2010 Census population information with the 1991 Garza lines**
- The final map shows a greater than 50% population majority of Latinos, African Americans and Asians using the 2010 census population information with the boundaries adopted by the Board in 2001.**

Discussion ensued and Commissioners posed the following questions:

Commissioner Ollague - Is it possible to provide population numbers for the San Fernando Valley area and come up with any numbers of what we are looking at aside from the 50%? Can we identify a Valley community that represents 50% Hispanic and then another 50% per majority community at the central core? Can we say there are two major areas of Latino core districts?

David Ely, Consultant - I don't think there is enough information on this map to talk about core communities, you can certainly talk about geographic concentrations but that data is insufficient by itself to talk about core communities. There are some places on the map where you can look at a concentration of units that are coded the same color and that are all together. You can say that they are a community and there is probably other places on the map where there are geographic features that don't show up or political boundaries that don't show up. But they

may not represent a unified community, so I wouldn't want to base such conclusions purely on the color distributions on this map and characterize communities in that sense.

Chair Pedersen - I know that there are 50,000 Cambodians that live in Long Beach, I know the areas very well and it amazes me that there isn't some indication of Asian in Long Beach at all.

Mr. Ely – The map is only showing a majority of the population within a census tract, it would need to be a very large population concentration to show up. This map does not show anything with less than 50% population concentration and it doesn't show anything that has three or four census blocks that, together, may have 50%, 60% or higher concentration of an ethnicity. It's only showing majorities of individual census tracts.

Commissioner Acebo - (to Mr. Ely) Are you a demographer by profession? How long have you been doing this? Describe the trends that you see in these maps? What are the major trends that the Committee should take note of as we look at these maps?

Mr. Ely – Yes, I started in the mid-1980s. As to trends in the maps, while I would not want to characterize it too much, there are some very general trends that are clear. One is the fairly dramatic growth in the Latino population in the County across the entire time period. There is also a fairly dramatic growth in the Asian population at the same time. The other thing you can see is a greater distribution of all of the different population groups throughout the County. Part of the reason, for example, that the African American community doesn't have as many blue tracts as there were previously is due to a relative decrease in the African American population, but it is also due to the fact that the African American population is much more distributed across the County. This is also true about all of the ethnic groups. A map like this is not the best way of showing that but it does somewhat.

Commissioner Acebo – I know that we've talked about the Asian Pacific Islander growth or distribution but it appears on Map No. 4, there is a significant growth and concentration in some geographic areas. Do you find that to be true?

Mr. Ely – I would say that the Asian population throughout the County has increased. There are two particular concentrations where the

growth has been more dramatic in the San Gabriel Valley: 1) Alhambra, Monterey Park, San Gabriel, Rosemead, Temple City and Arcadia; and 2), Diamond Bar, Walnut and Cerritos areas. These areas have very substantial growth and concentration of the Asian population. Other than that, there are lots of smaller communities in different areas that don't show up on the map because they are not large enough to be majorities of census tract but are important communities in different areas.

Commissioner Hoffenblum - There could be other areas that are heavier in Latino and Asian population collectively but would not show on these maps because they do not have 50% or more in population.

Mr. Ely – That is correct.

Alan Clayton, member of the public, addressed the Committee.

Mr. Clayton indicated that, with the 2010 population majority and in dealing with African American areas, it appears as though it may be difficult for them to elect a candidate of their choice. He also provided a comparison of the African American CVAP numbers of various plans submitted and added these plans have the African American CVAP above benchmark level and in terms of electability, the African American voting strength would be higher. Furthermore, in the 2nd District, there clearly is a significant African American community with a lot of issues in dealing with communities of interest, income, transportation, poverty and job creation.

Commissioner Acebo - Mr. Ely on Map 4 - 2010 Population Majority of the 2001 Supervisory Districts, the concentration of African Americans still exists in District 2 as its drawn. I also see a significant growth in the Latino community, is that correct?

Mr. Ely – Yes, that is correct.

Commissioner Hoffenblum – I want to reiterate, this is showing the areas that are 50% plus. There could have been growth of African Americans in other parts of the County, but if it does not reach 50%, like in Inglewood and similar areas, this could be deceptive, leading one to conclude these are the only areas where African Americans or Latinos are when in fact that is not the case.

Mr. Ely – There is probably a significant number of tracts along the border in which it is close to 50% African American and 50% Latino, the difference between red and blue coding on the map is not great.

Attachments: [SUPPORTING DOCUMENTATION IS NOT AVAILABLE AT THIS TIME](#)

6. Consideration of additional redistricting data.

Staff report on data for 2006 Secretary of State and Attorney General races. (11-3181)

Mr. Zimmerman reported that staff has prepared data from the Primary and General Elections from 2006 as requested by the Committee. The information has been developed and uploaded to the website. To access information, go to the “Prepare a Plan” tab and click on “District and Data Download.”

David Ely, Consultant, stated the data was created for the other statewide offices for both the 2006 Primary and General elections using the same methodology as was done for the other races for those same elections.

Discussion ensued and Commissioners asked the following questions:

Commissioner Hatanaka - In using CVAP data, when we talk about a 50% district, I recall that all of that data was computed using the American Community Survey (ACS) which, unlike the Census, is a sample and in using a sample, there is always a margin of error involved. Are we not taking into account a margin of error? It is proper to report the margin of error when using a sample.

Mr. Ely – I didn’t compute the estimates here but I have done it in enough other places that I can comment on it. In the litigation that I have been involved with, usually the point estimate is what is used in the benchmark. As far as I am aware, no one has ever made a determination based on the existence of a margin of error. The point estimate is statistically the most likely and so, if you have a preponderance of evidence standard, it can be argued that it is the most likely. I don’t think that it’s a clear thing, this is just my experience.

Commissioner Hoffenblum – Aren’t they almost educated, reasoned guesses?

Mr. Ely – Yes, however this is a statistical estimate based on the responses of self-reporting surveys. They are asked a series of questions and their citizenship is one of the questions.

Chair Pedersen – In this case we have a number of districts that are 50.1% or 50%. In the court cases that you have dealt with, have they been that small of a margin?

Mr. Ely – Sometimes.

Commissioner Hatanaka – What I've noticed being on this Committee is that we have data in here that is using both the ACS and Census data. Total population is from the Census but, from what I recall, CVAP is using ACS data. We are confusing the two and we are trying to make a definitive statement. Regardless of it being an estimate, an error factor in that kind of argument makes a lot of difference. If we are talking about districts that are about 55% and we have an error rate, I would feel more comfortable. However, now we are talking about 50.1% or 50.2%, and this makes a difference to me

Mr. Ely – It's certainly an issue that I've seen raised in litigation but I wouldn't say that it has been definitely answered. But the point estimate is generally what's used.

Alan Clayton, member of the public, addressed the Committee. Mr. Clayton stated that the State is using ACS. The numbers are a little lower than they would be currently, but you could have a percent higher now in terms of CVAP numbers reflecting that CVAP is going up in Latino and Asian communities. The State used Maptitude and, traditionally, in most court cases, they will use the most accurate measure they have.

Commissioner Hatanaka – I understand the State used ACS, there was reference made that we used Census, which did we use?

Mr. Ely - We used a combination of ACS and 100% data. The 100% data is as current as possible and has a 100% count with self-identified ethnicity but doesn't have any citizenship numbers. The ACS data has the same ethnic categories with citizenship being reported. In developing the data set, we took citizenship rates for these ethnic categories computed from the ACS and applied them to the voting age populations from the Census. Assuming citizenship rates among these groups are the same in 2010 as they were over the ACS data-gathering period (2005-2009), the Voting Age Populations that are reported by the Census would yield the CVAP numbers that we have in the data.

Commissioner Hatanaka - You took the percentage that was in the ACS and you applied it to the Census data?

Mr. Ely – Yes, for example, among African Americans by Census tract, the ACS reports a citizenship rate. We applied that citizenship rate to the African Americans reported in the 2010 Census within that Census tract and similarly for all the different ethnic groups. We took the citizenship rate for that group by Census tract and applied it to the 2010 population of that group within the same Census tract.

Commissioner Hatanaka – I don't think that's technically the approach, you either use one or the other. The Statewide Commission used ACS uniformly; they didn't mix the two together. If there is bias in one, you would not be able to suggest what the degree of error was because you are using two different databases.

Mr. Ely – Using purely the ACS estimate has both an estimate of citizenship and ethnic composition of the Voting Age Population. What we are taking is only the citizenship estimate from the ACS and applying it to the much more solid numbers of the 2010 Census. In a sense, we are using the survey to estimate only the characteristics which we don't have from the 2010 Census.

Commissioner Hatanaka – Technically I don't know if that is correct, I was taught to use one or the other.

Commissioner Reyes – Regarding use of the data from a legal perspective and the willingness to use estimates in situations where there is no CVAP data available to those involved in line drawing, this can be answered by special counsel. For example, in the Connell case, where CVAP data was not available, they used other types of data sets and, in other cases, there have been other types of data beyond the CVAP data that have been used as part of the formulations to estimate whether districts meet the criteria. I would like to hear down the line what Ms. Brill has to say about this.

Laura Brill, Legal Counsel addressed the committee and stated the following:

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- John Hedderson, Consultant to the County, put together the data; however, he is not here today. It is my understanding that the ACS data only went through 2009 and that is the reason they combined the ACS data with the 2010 Census data to get a more accurate picture. I have never seen a case that would criticize that approach or suggest that it was improper for them to do that. It was done in order to create the most accurate picture possible.
 - Commissioner Reyes is correct; in some cases, where no CVAP information was available, Voting Age Population for example was used in a variety of estimates and different ways and it's only fairly recently that we have the luxury of having that data available.
 - I want to discuss the legal compliance issues relating to the task before you to help to set a framework of the factors that must be considered and may be considered and also that courts look to in order to determine that there isn't any constitutional violation.
 - Under the Election Code of California, Section 21500, you must consider equal population and compliance with Section 2 of the Voting Rights Act. Section 21500 also provides that you may consider a variety of other factors including topography, geography, cohesiveness, contiguity, integrity, and compactness of territory and communities of interest in the districts.
 - Case law shows that in instances where a plan is challenged, for example, on constitutional grounds, that courts will look to other traditional factors that go into redistricting including keeping cores of the districts together and respecting traditional jurisdictional lines. They look to whether you have regarded traditional redistricting standards in favor of predominantly favoring race as a criterion for redistricting. It is permissible to consider race, but it can't be the predominant factor in redistricting.
 - In addition, while there is not much case law, there is a Ninth Circuit case dealing with staggered district elections and the legal implications for County having staggered district elections where some of the Supervisory Districts come up in connection with Governor Elections and others with Presidential Elections. There are cases that say that if the impact of staggered elections and redistricting is such that it burdens one race over another by delaying one race's opportunity to vote, that could create an equality protection violation and that is something to consider as you are going through the data.
 - Separate from equal protection issues, there have been a variety of cases where the structure of staggered voting has been challenged based on its impact on redistricting. Those cases don't say that it's a positive to enhance the effects of staggered voting, that is the numbers of

voters that will be advanced or deferred, but to the extent there is any message from this case law, it would suggest that minimizing the effects of staggered voting is a positive because you are keeping people voting on the same schedule.

I know that Garza has come up and that the Garza remedy changed districts for a large number of voters. That case has a very different context than today because the courts were creating a remedy for intentional vote discrimination. That remedy is not very relevant for how we weigh the effects of staggered voting and moving large numbers of voters today where Latinos actively participate in the political process.

I started conducting a preliminary analysis regarding Section 2 primarily to begin answering the question that has come up in other meetings of are you required to create two majority Latino CVAP districts as your plan. Some have said that it is required to create a second majority Latino CVAP district. It is my opinion that the County can comply with Section 2 without creating two majority Latino CVAP districts. When you do a Section 2 analysis, the leading claim is Gingles, and there are three preconditions to raising a Section 2 claim. The first is that the racial group has to be sufficiently large and geographically compact to constitute a majority in a single member district. And the Bartlett case says that you cannot satisfy the first Prong of Gingles unless you can draw such a district. But that doesn't mean that this is the only way you can comply with Section 2. The case law is very clear that the mere fact that you can draw two such districts does not in and of itself mean you have a legal obligation to do so.

The other preconditions are that the racial group must be cohesive politically and the third is that the majority must vote sufficiently as a bloc to enable it usually to defeat the minority's preferred candidate.

So, the question is: assuming you have Latino voting cohesion – is it also the case that the Latino candidate of choice is usually defeated? If there is substantial cross-over voting that can mean that even though Latinos are not a CVAP majority, they still may be able to elect a candidate of choice because the other people in the district are willing to vote for the Latino-preferred candidate. And in LA County in 2011 it is a very different world than we were at the time of Garza.

The Sheriff is Latino. The Assessor is Latino. Both of them had support in every district in the County. The City of Los Angeles is the largest city in LA County. It has a Latino Mayor. The Speaker of the California State Assembly is Latino.

So we are not in a world where Latinos are completely excluded from the political process.

So in answering must you create a second majority Latino CVAP district in order to ensure that Latino candidates of choice will not usually be defeated, I believe based on my initial view of the data that because of cross-over voting, that this is not the only way to comply with Section 2.

I looked at propositions going back to 2006 and general elections and in both of those it appears that the positions favored by the current First Supervisory District, which has more than 60% Latino CVAP, are overwhelmingly supported in other districts in the county.

Looking at primaries there is also strong evidence that Latino preferred candidates are also regularly elected in primaries. So I think it is unlikely that even in the current lines there would be a Section 2 issue, but there are a range of plans that could comply with Section 2 because of cross-over voting.

If you do create two majority Latino CVAP districts where it is not legally required, one possibility is that there could be an equal protection claim in using race as a predominant factor in the redistricting. When you look at the large number of people who are moved to new districts in some of the plans, that is a factor that a court could look to in determining what the relevance was of traditional criteria versus race-based criteria. And if there is a further impact in terms of advancement or deferral, that could also receive scrutiny if there were an equal protection claim raised.

Discussion ensued and Committee members posed the following questions:

Commissioner Reyes – You stated that the County can comply with Section 2 without creating a second Latino majority CVAP district and that it was based on strong evidence that there is a significant amount of crossover voting to support Latino candidates as one of the reasons why a Section 2 district is not required. You also stated that part of the Gingles criteria requires consideration of whether there is racially-polarized voting in the County; the second and third prongs of that case, right?

Ms. Brill – Yes, racially-polarized voting is used as a shorthand for a combination of the second and third factors.

In my opinion, the way the courts should look at it under Gingles is that, first, look at cohesion among Latinos and then second, if there is cohesion, is the Latino preferred candidate usually defeated.

Commissioner Reyes - That is my understanding as well. Have you conducted any studies or polarization analysis to be able to arrive at that conclusion based on strong evidence? Is it anecdotal evidence as far as looking at those other elections that may not correspond with the County, or does it actually include polarization analysis? Have you conducted any studies that examine the cohesiveness of Latino voters in the County to arrive at the conclusion that you made?

Ms. Brill – The term polarized voting analysis has different meanings for different people. I think it is more accurate to follow what Gingles says. I focused mostly not on the cohesion prong at this point but more on the ability to elect, and looked at the winning candidate in Supervisory District 1 as the likely Latino candidate of choice, and looked at whether there would be substantial agreement in other districts that the winning candidate was the favored candidate of choice in other districts. I have not been asked to give an opinion on any particular plan. What we can see clearly from a broad spectrum of years of elections is that the candidates favored in District 1 are not routinely defeated in other districts and that is the common sense basis for the conclusion. It's not legally compelled to draw a district with such a high concentration of Latino voters in order to comply with Section 2 and you could create districts with lower concentrations that would also allow for fair opportunities in the political process to elect candidates of choice.

Commissioner Reyes – Based on your response, as to what you did focus on, you haven't looked at specifically conducting a voting analysis or examination of whether Anglo block voting exists to defeat the minority candidate outside of your general survey.

Ms. Brill – There are a variety of plans submitted. Conducting a full Section 2 compliance analysis for all of the district plans submitted would be extremely time and resource intensive. What I have done is taken a look at whether it appears that the only way to ensure Latino voters could elect candidates of their choice would be to create a district in which they comprise the majority of CVAP, and the many elections out there show Latino preferred candidates likely can get elected with lower than that concentration.

Commissioner Reyes – It sounds like, because of resource issues, those types of inquiries weren't conducted, also in part because you weren't specifically asked. I recall asking what your plan was for dealing with the likely eventuality of having two majority-/minority Latino districts being proposed at the outset when you first appeared before us, and you had mentioned at that time you hadn't thought through at that point what that examination would look like. I'm just a little concerned that one week before we have to come up with a recommendation that includes assessment of those things, we don't have that specific analysis conducted and it's based on sparse examination of those actual factors that the Gingles case requires. It doesn't include the examination of the totality of circumstances outside some of the anecdotal information that you provided and I'd like to know what went into the assessment. Which were Latino preferred candidates and how you made those determinations. With reference to some of the criteria, I do agree with the statement that there are certain things required by law and statute as to how we are to apply the redistricting criteria. Some of the things you do mention in the list of criteria are considerations and not necessarily legally-mandated, and there are specific areas where I disagree with the wording; for example, considering VRA compliance and then tagging that specifically to avoiding use of race as a predominant factor. As you know, courts have allowed use of race in drawing Section 2 districts. It's fine to note the need to satisfy Section 2 considerations, but pairing it with the bar to using race as the predominate factor in this document seems inappropriate. I think the Committee should have an express list of the actual criteria that statute requires we consider, and then note the additional considerations that are permitted under the code that we could consider. We should then separate out some of the other criteria such as deferral issues, splitting redistricting units, preserving cores of populations, etc., that may help us in looking at plans, rather than having some unranked listing of criteria.

Ms. Brill – For example, in the 2006 primary, which I know there were questions about, Baca, Maldonado won in a Republican statewide primary and won with large support throughout the entire County. Bustamante also won a statewide primary. I don't have confirmation that each of those three Latino candidates is also the preferred candidate of Latino voters but I think it's extremely likely, based on living in the County and in seeing those campaigns, that this was in fact the case. Those candidates won in District 1 also won throughout the County.

I also looked at propositions. Since 2006 there have been 50 statewide propositions and in 41 out of the 50, the position favored in District 1 was favored in at least two other districts.

And I've looked at general elections and saw no suggestions in general elections that there is an inability of Latino voters to elect the candidates of choice at that level. So, combined with some substantial success in countywide primaries and statewide primaries, this suggests to me that it's at least likely that at this stage that you do not need to create a district with such a high level of Latino voters in order to comply with Section 2.

The 50% mark, which we have talked about before, is to satisfy the Gingles prong 1 requirement and to "get in the door" to make a Section 2 claim. For that prong, a plaintiff needs to be able to show that you could create a reasonably compact, contiguous district in which Latino voters have the majority of CVAP. But that doesn't mean that you must create such a district and certainly doesn't mean that's the only way to comply with Section 2 in my opinion.

In regards to criteria, the statute uses the word "must" or "shall" as to two of the criteria and it uses "may" with respect to others and with respect to keeping cores of districts together, those are factors that courts routinely look at to ensure a jurisdiction doesn't ignore traditional redistricting criteria in favor of using race as a predominant factor in redistricting. So my suggestion and recommendation would be that all of those factors be considered by the Committee in its redistricting.

Commissioner Martinez –You gave an example of the LA City's Mayor's race as being one of the crossovers. How do you factor in 90 years of not having a Latino elected official? It could also be just an anomaly because the Mayor ran four years previously and lost in that election. This basically concerns the 3rd District because the City doesn't go into to the 4th and 5th districts: if you have the Mayor run in the new 3rd district, what happens when you include cities like Beverly Hills, Malibu, Westlake Village, Calabasas, Agoura Hills, and Santa Monica into that equation; what does that do? Did you know that the CVAP for Latinos is 6% in those cities? How does that factor in whether that same person could now run in a 3rd District? You made a big leap saying that because of the crossover vote there could be, possibly an elected official that is Latino in that district. But he did not run in those other cities; he only ran in the LA City portion.

Ms. Brill – I have not done the breakdown of particular RDUs where the Mayor won.

Commissioner Martinez - The municipal elections run on the odd years and the County elections run on the even years and the turnout is significantly different in both elections for Latinos and I'm wondering how that factored in as well. You made a big leap without having done the RDU analysis and wondering if you might be thinking of possibly retracting that statement?

Ms. Brill – Mayor Villaraigosa is an example. I don't believe the City of LA has a 50% Latino CVAP, yet there is an elected official to a high local office who I believe would have had trouble getting elected if there were no crossover voting. Clearly it's not a supervisory district and that's a fair point. There are also four Latino LA City Council Members and they are not all within First District, so they likely too could not have gotten elected without some crossover voting. I have not looked at every city within LA County as that would be an enormous job to do and resource-intensive, so I used City of LA as a very prominent example that there is an effect of crossover voting.

Commissioner Martinez – Whoever runs will be running in a supervisory district in the cities I mentioned. There are 30 city officials and all are Anglo, there is not one person of color. Do you think there could be a Latino elected in the 3rd District?

Ms. Brill – I haven't done a 3rd District analysis. It also includes territory where Representative Howard Berman's District was. The Berman District was challenged in the Cano case 10 years ago and the court there found substantial crossover voting; there was no Section 2 violation.

Commissioner Martinez – It did not include the cities I mentioned.

Commissioner Hoffenblum – It may be that no Latinos have run for office in those cities.

Commissioner Martinez – Point is that if you factor in those populations, it shifts the voting pattern for the entire district.

Commissioner Acebo – With respect to the cities mentioned, they comprise a small percentage of the 3rd District and must be measured in the totality of that district.

The Cano case is instructive. Looking at our map today and the Northeast Valley Section of 3rd District, can you give the Committee the significant findings of why we should take that into consideration?

Ms. Brill – The Cano case went before a three-judge district panel and it was summarily affirmed by the Supreme Court. At the district court level one of the findings was that the areas at issue in that case were very different from the circumstances were very different than Garza and the Court specifically talked about Garza, noting Latinos have a much better opportunity now than they did at the time of Garza 10 years ago. Another significant finding in Cano was that there was sufficient non-Latino crossover voting and Latino candidates of choice were routinely elected, not defeated in the districts at issue.

Commissioner Acebo – From the cursory view of map presented by Mr. Ely, it is evident there is a significant Latino CVAP all over the County. There is evidence of Latinos being elected at every level of government from the state to the municipal levels. In follow up to Commissioner Reyes, no plans submitted for the public record provided any evidence of racially-polarized voting.

Ms. Brill – I looked for it, and I did not see any data.

Commissioner Acebo - We have received direct expressions of concern from constituents regarding communities of interest in regards to the State process but not with our process at the Board. Should I weigh that equally?

Ms. Brill – I don't know of any case law prohibiting you to do it. But if it's not in the record before you, it's not in the record. The most relevant factor would be communities of interest for the things for which the Board of Supervisors is responsible, and those should be considered.

Commissioner Acebo - Nowhere in the testimony have we received direct expressions of discrimination, therefore we cannot make assumptions of people's testimony, is that correct?

Ms. Brill – That is correct. In addition, the mere fact that plans have been submitted that would create two majority Latino CVAP districts in an of itself would not appear to show intentional racial discrimination if you decide to redistrict in other ways.

Commissioner Acebo - In the testimony given on submitted plans, many used socio-economic data and the result is lines were drawn with majority/minority districts. By result, race was the dominant factor. Would this result in a 14th Amendment challenge if it was intentional or not?

Ms. Brill – It would have to be intentional discrimination. If a district is bizarrely drawn or if traditional redistricting criteria are ignored, sometimes the court will draw inferences from that, but there needs to be some finding of intentional discrimination. Right now I don't see that.

Commissioner Hatanaka - when you have a plan that privileges a certain group at 50%, then the equal concern is for that 49%. What happens to them? Summarize the basic points.

Ms. Brill – There are the three preconditions under Gingles, and the Bartlett case held that if it is impossible to draw a majority CVAP minority district, then the minority group trying to allege a Section 2 violation is out of court and can not proceed with its Section 2 challenge. But just because such a district can be drawn does not mean that the redistricting body trying to decide what is best for the County as a whole has to draw that particular district. In terms of your obligations, it is to draw a plan that does not violate Section 2, and that can be done in a variety of ways. If there is a lack of minority cohesion or if there is sufficient majority cross-over voting so that the minority group's candidates of choice are not usually defeated, then the lines would not violate Section 2 even in the absence of a majority-minority district. To summarize, that plans have been submitted to create two majority Latino CVAP districts does not compel you to create two majority Latino CVAP districts where there is substantial cross over voting or a lack of Latino political cohesion.

Commissioner Hatanaka - Can you comment on whether and how far out of range our current benchmark plan is?

Ms. Brill – I have not done a complete Section 2 analysis.

Commissioner Harris - How should we treat the incarcerated population?

Ms. Brill – I don't know the answer; if directed I'd be happy to look into that.

Commissioner Harris – In the 1970s and 1980s, there was an African American Mayor but when Yvonne Burke ran for office in 1980, she lost. We need to have an analysis. This data is interesting and is anomalous in certain circumstances.

Ms. Brill - A more detailed analysis will take place for the plan of your choice.

Commissioner Reyes – In regards to the Cano case, in terms of information you thought was significant, Cano did not say there wasn't any non-cohesive Latino voting patterns?

Ms. Brill – The court assumed cohesion, I don't recall any detailed analysis of whether there was or wasn't.

Commissioner Reyes – The court did deny the Section 2 claim based on the 3rd Gingles prong for the lack of ability to show Anglo bloc voting that would defeat the Latino preferred candidate. In reference to what districts?

Ms. Brill - Howard Berman in 3rd District, Brad Sherman, Betty Karnette and the adjacent State Senate district, and a district in San Diego.

Commissioner Reyes - Those are relatively small and judging by the size of those districts at the time, they were not nearly as large as one supervisory district. I think it is not entirely a wise decision to rely on Cano to suggest that because there was no racially-polarized voting for Gingles two and three prongs because that case found a lack of sufficient evidence on the third Gingles prong. The same conclusions can be made in the County in the present day. I feel a little lost without that type of analysis on those types of issues and the racial voting pattern analysis. You are providing to us your assessment based on some type of review of elections that you mentioned. There are plenty of jurisdictions that have information regarding the ability to draw upon the first Gingles prong and comply with what they believe required in drawing a majority/minority district, and I suggest there is some obligation on our part to look critically at one. There appears to be the first Gingles prong satisfied, and we need to do more than the cursory review to examine those second and third factors. If, after all, the conclusion is we cannot meet the three prongs, we've done our due diligence, we've gone through all the hoops and there is nothing there to pursue.

I don't feel comfortable that the proper analysis has been provided to make a decision.

Commissioner Martinez - In the Garza case, one of the points that made the case is that there was an upswing showing a lot Latinos being elected countywide, and in the Assembly and Senate. However, for some reason, they weren't being elected to supervisory districts, despite the fact that there was an increase in Latinos. Part of the issue now is that the CVAP is 60% in the First District and less than 30% in the others, there is an issue of compactness in the First District and how would you address that point? How do you defend the County on this particular point?

Ms. Brill – The current lines were not drawn for an intentional discriminatory reason. I don't think anyone could fairly argue that they were, and having been drawn, communities form along those lines; they form alliances with each other and form connections to the relevant district office, and we have heard public commentary asking to maintain the current lines, and these are things a court would look to. Since these could not be described as lumping people together to deprive them of an opportunity to elect a candidate of their choice in other districts, then there would not be an intentional violation. The courts will look at statewide races and particular county races in the results in different supervisory districts, and some will have different relevance. We see repeated success of Latino preferred candidates getting elected when we look at elections. We see the winning candidates in SD1 also being preferred in other districts, and the same with propositions. The position favored by the SD1 was generally preferred in other districts as well. We see the success of Bustamante and Baca and Noguez and Maldonado. There appears to be repeated success of Latino candidates. We are not in the same position as we were at the time of Garza.

Commissioner Hoffenblum – Latinos elected to all levels of elected seats have term limits and it is a significant factor that, for County Supervisors, we did not have term limits and we know the difficulty of defeating incumbents.

Commissioner Ollague – On the issue of incumbency we learned that the Garza case addressed the issue about incumbency and demonstrated how the grip of our incumbents had an expense, and the expense happens to be the minority community back in 1990. Now fast forward 20 years and what does current case law say about protecting incumbency?

In 2014 two offices will be termed out, and in some of the expressions of the communities of interest, we hear they are happy being served by their supervisors. What current case law is there or will there be a case law of how we are protecting incumbency and how is it compliant with Section 2?

Ms. Brill – The fact that people are saying they feel well represented by their supervisor is considered a positive thing, disrupting that, you would fairly ask if there was a need to do that without a Section 2 violation. A Section 2 violation would trump these considerations, but I don't believe the only way to comply is to create a majority minority district that moves a very large number of people. In general, considering the relationship between communities and the district office would be considered neutral redistricting criteria.

Commissioner Ollague - Is it in a statute? Is incumbency a priority? The Garza case identified that as a problem.

Ms. Brill – The Charter says you can't redistrict so as to affect the incumbency of any Supervisor. So, if you were intentionally trying to disrupt the incumbency, that would be a problem. If people come and testify that they feel well represented, that's generally considered a positive thing or at least neutral. In Garza, there was a longtime history of intentional race discrimination, and there was a need for a remedy to address that, but the fact that Garza found intentional discrimination in the past does not compel what happens today.

Commissioner Ollague – When we select a map you will do a full Section 2 analysis?

Ms. Brill – I will take direction as asked to do.

Nancy Takade, County Counsel - The Board is going to be the final decision maker. The Committee will recommend a plan to the Board with counsel preliminarily reviewing it for Section 2 compliance. The Board will be asking for further analysis if needed.

Chair Pedersen - The final plan is going to have to have a Section 2 violation review and I don't know if the Board is going to adopt the plan or not.

Commissioner Acebo - We have various factors to weigh, would you advise that the Committee weigh all those equally or prioritize one over the other.

Ms. Brill - I urge in strong terms not to intentionally discriminate on the basis of race and not to use race as a predominant factor, and it is required to comply with Section 2, and you need to take equal population into account and create districts that are as nearly equal in population as may be. As to the other factors, you have to use judgment the weight you give one factor over another is not compelled by law.

Commissioner Reyes - On potential 14th amendment issues, in summaries by counsel or staff there have been no indications of displaced supervisors, or the districts are not contiguous and compact. There is testimony as to plans with two Section 2 Latino districts that these were based on socioeconomic data and community of interest concerns brought to them by constituents at various town hall type meetings. If we to adopt a view of the use of this type of socioeconomic data could create liability, this would be a marked departure from case law.

Ms. Brill – Some of these plans have substantial movement from one district to another including from districts that are currently under-populated to other districts. One might consider whether there is a racial disparity in terms of voter advancement.

Commissioner Reyes - Absent any proof that it was done deliberately like that, that wouldn't support a 14th Amendment claim.

Ms. Brill – The one case that talks about equal protection and advancement doesn't talk about intent; the law on that is very unclear.

Chair Pedersen – Thanked Counsel for her clarity on following the VRA and that two majority Hispanic CVAP districts are not mandated.

Attachments: [SUPPORTING DOCUMENTATION IS NOT AVAILABLE AT THIS TIME](#)

7. Presentation of summary of plans submitted by the public, proposed review criteria, and discussion of approach for further review. (11-3182)

Commissioner Acebo, seconded by Commissioner Hoffenblum, moved that the Committee use as a guideline the proposed “Boundary Review Committee’s Review and Consideration of Proposed Redistricting Plans.”

During discussion, Commissioner Ollague made a motion to amend the guidelines to include the wording of “avoid fragmentation” as one of the criteria, indicating that it was stated on the Garza case.

Commissioner Acebo asked for clarification on the meaning of “avoid fragmentation” and if the guidelines were reviewed with outside counsel prior to being submitted.

Ms. Takade stated the proposed guidelines were reviewed and developed with outside counsel’s participation (Laura Brill).

Commissioner Harris made a motion to include avoiding splitting unincorporated areas with Commissioner Hoffenblum concurring. Unincorporated areas rely on the County for municipal services. There is nothing in the criteria that says we should avoid splitting unincorporated areas. We have received numerous communications from constituents from Rowland Heights and Altadena indicating these unincorporated communities request they not be split. Let us avoid splitting unincorporated areas.

Commissioner Acebo – What would the implications be regarding the amendment? Can an unincorporated area be interpreted as a community of interest and could that fit the criteria?

Ms. Takade – Yes, especially if they share certain relationships and commonalities with each other. Additionally, there was no intention to omit unincorporated areas.

There is no objection or concern from County Counsel or outside counsel on adding the criteria of not splitting cities to include not splitting unincorporated cities or to include additional criteria, to that affect. There is no impediment to including it as it is consistent with avoiding splitting cities; unincorporated areas are like a city or a town within the County.

Therefore, Commissioner Acebo accepted Commissioner Harris’ motion.

Commissioner Harris asked for clarification on “Avoid Voter confusion.”

Ms. Takade – This refers to movement of large areas of population and when you change their election cycle or representatives.

Commissioner Harris – Should we then state to minimize deferral of elections instead?

Ms. Brill - The concept of voter confusion, was meant to include the movement of large populations, changing election cycles, and requiring them to form new alliances within new Districts and new District offices. This is not a legal requirement, but can be considered among those that are a neutral criterion to take in to account. The Committee can consider what is in the best interest of the County in terms of advancing and/or deferring different voters and not having a racial impact.

Ms. Martinez said her interpretation of the statement is that there is already a decision not to make changes and not to shift people before a Section 2 analysis was made.

Ms. Brill clarified that the plan that is adopted needs to comply with Section 2. There are different ways to comply. If complying with Section 2 required the movement of large numbers of voters, then that may be what needs to be done. Again, this is among the “should” things to consider.

Therefore, Commissioner Martinez made a motion to remove “Avoid voter confusion” as this would eliminate a lot of the plans leaving only one plan to review for Section 2.

Commissioner Acebo did not accept the motion made by Commissioner Martinez. Therefore the motion failed for lack of a second.

Commissioner Acebo commented with a question to the Chair and Mr. Brill. Is there a plan before this Committee for consideration to recommend to the Board of Supervisors? If there is a recommendation of a plan to the Board of Supervisors, that plan must undergo a Section 2 Analysis. There is no plan in front of us at all.

Chair Pedersen stated there is not a plan before the Board of Supervisors. There is no plan in front of the Committee, however at some point in time there will be a plan for recommendation.

Ms. Brill – The concept is to avoid voter confusion. It doesn't say to avoid moving around large numbers of people. It is fair to consider the affects of staggered voting and whether people are being advanced or deferred in the analysis and, to the extent that moving around large numbers of people correlates with voter confusion, it is a factor that can be considered.

Commissioner Reyes – Is “Keep total population deviation as close to zero as practicable” different than the language in the statute? The statute states, “which is as nearly equal in population as may be.” It does not mention zero, nor the heightened standard that is usually applied for congressional plans.

Ms. Brill – The language of the statute should govern.

Commissioner Reyes - Therefore, the zero population deviation is a bit extreme. Second, “Consider VRA Section 2 compliance, but avoid race as the predominant factor” should be separate. Third, I don't see why we have to use “Avoid splitting Redistricting Units (RDUs) whenever possible.” Nor can we use “Avoid voter confusion,” as this is too vague and too broad for it to serve as any realistic guidance for the Committee. A lot of these are other types of factors we can use, but are not statutory mandated. Therefore, the motion is to make the changes as suggested.

Commissioner Acebo accepted Commissioner Reyes' recommendation to the wording of the statute language regarding population deviation. He stated the Committee is first and foremost required to follow the Constitution, the Voting Rights Act, and make sure there is a Section 2 analysis of a plan that is approved by this Committee as a recommendation to the Board.

Ms. Brill concurred with Commissioner Acebo's statement regarding the Committee's requirement and that recommendations must comply with Section 2.

Chair Pedersen – I as Chair would not forward a plan to the Board if it did not comply with Section 2.

The motion before the Committee for approval was:

- 1. Use as a guideline the proposed “Boundary Review Committee's Review and Consideration of Proposed Redistricting Plans,” for the Committee to follow;**

2. Amend "Avoid splitting cities whenever possible" to include avoiding splitting cities and unincorporated areas; and
3. Use the language of the applicable statute regarding population deviation.

Therefore, on motion of Commissioner Acebo, as amended by Commissioners Harris and Reyes, the aforementioned motions were approved with the following vote:

Ayes: 5 - Chair Pedersen, Commissioner Acebo, Commissioner Hatanaka, Commissioner Hoffenblum and Commissioner Sun

Noes: 2 - Commissioner Andrade and Commissioner Reyes

Alan Clayton addressed the Committee stating the Committee was in violation because he was not given the opportunity to address the Committee prior to a vote.

Therefore, Commissioner Acebo, seconded by Commissioner Hoffenblum made a motion to reconsider the aforementioned motion as amended.

Mr. Clayton then proceeded to address the Committee of his concerns:

1. Keeping populations close to zero. This should be stricken and have the Committee follow what the statute says.
2. Consider VRA Section 2 compliance, but avoid using race as the predominant factor. These should be two separate areas.
3. Core Districts – If you are preserving core of the Districts to protect incumbency, you are running into dangerous ground.

Eddie Jones, Jr., President of the Los Angeles Civil Rights Association addressed the Committee. He stated that when you are looking at moving districts, you are talking about human beings. All the people that need to be here and say something about it (each community from each of the districts) are not here. When we move these districts, we move people, ideas and futures. What do we do to assure all the communities are happy? When you start separating districts, you separate people and that can be a huge problem.

He hoped the Committee analysis evaluates and takes into consideration every ethnicity, background and human being. Under the Constitution, it says that “everyone is created equal.” But is everyone treated equally? In closing, he asked the Committee to take into consideration: The communities that are being affected; what is being taken away from the community; and what is being brought to the community? The Census did not count everyone.

Commissioner Acebo made a motion to approve forgoing amended motion:

1. Use as a guideline the proposed “Boundary Review Committee’s Review and Consideration of Proposed Redistricting Plans,” for the Committee to follow;
2. Amend “Avoid splitting cities whenever possible” to include avoiding splitting cities and unincorporated areas; and
3. Use the language of the applicable Statute regarding population deviation.

Therefore, on motion of Commissioner Acebo, seconded by Commissioner Hoffenblum the aforementioned motion as amended was approved by the following vote:

Ayes: 5 - Chair Pedersen, Commissioner Acebo, Commissioner Hatanaka, Commissioner Hoffenblum and Commissioner Sun

Noes: 2 - Commissioner Andrade and Commissioner Reyes

After discussion, Commissioner Reyes made a motion that the final plan this Committee recommends to the Board of Supervisors include a Section 2 analysis, where Outside Counsel can be asked to provide the analysis.

Chair Pedersen stated he would not feel comfortable presenting anything that has not been reviewed for any Section 2 violations by outside counsel.

Commissioner Acebo, wanted to make sure that it is the Constitution, Section 2 of the VRA and all the other appropriate things that should be weighed equally. There are a lot of constitutional factors outside of Section 2 that we must adhere to. That’s why I asked the question earlier on as to what it is that the Committee is required to do legally, and that includes Section 2. I heard the Constitution, and other factors. Are we to weigh those equally or not equally?

Ms. Takade reaffirmed Ms. Brill's earlier statement where all factors were not meant to be weighed equally or prioritize one over the other; they just need to be considered. She identified those required by Constitution or statute. The other considerations are things the Committee should look at, and in its best judgment, make decisions based on good government reasons (policy). She did not say that everything has equal weight. The Committee can decide not to consider one over the other.

Commissioner Acebo requested additional clarification from Ms. Brill. In her advice, what is the foremost legal review that needs to be done with any plan that the Committee recommends?

Ms. Brill – Any plan that is recommended should:

- Comply with the United States and California Constitutions;
- Comply with Section 2 of the VRA; and
- Comply with the County Charter.

All three are the requirements of a recommended plan. The other factors are related to good governance and should, in her opinion, be part of the calculation of what the Committee and the Board ultimately considers.

Chair Pedersen stated that the Committee will review all the plans. As the plans are reviewed, all these considerations will be taken in as part of the review. Once we vote and recommend a plan, is going to have a Section 2 analysis and those other things, to make sure it doesn't violate any of the statutes.

Commissioner Escandon made a comment that some of the criteria within the guidelines show a potential collision.

Commissioner Reyes reiterated his motion to request that counsel include a Section 2 review of the recommended plan, as it is more than appropriate to include an assessment of compliance with the other criteria that Ms. Brill illuminated and are reflected in the guidelines that were just approved by the Committee.

Ms. Takade –In terms of whether there can be an analysis or should there be an analysis; it is up to the Board to order further analysis of certain plans. I do feel strongly that we need to take this issue to and involve the Board. Ms. Brill has provided some assurance that there is at least a preliminary view of what the plans are before the Committee. The Board does not have to accept or consider any recommended plan that is submitted by the Committee. There is an area of uncertainty. It is her recommendation that there be a more clear direction from the Board of what the plan is and what the Board wants analyzed.

Commissioner Napolitano followed on Ms. Takade’s comments, agreeing that the Board should decide what they want analyzed.

Commissioner Martinez stated she would not vote for a plan that was not in Section 2 compliance.

After further discussion, Commissioner Reyes restated his motion, seconded by Commissioner Acebo, unanimously carried, that any Plan recommended by the Boundary Review Committee be subject to an analysis that includes:

- All the redistricting criteria, enumerated by State and Federal Constitutions, State statutes, inclusive of Section 2 of the Voting Rights Act; and**
- Any other redistricting criteria that are considered and have been adopted on the “Boundary Review Committee’s Review and Consideration of Proposed Redistricting Plans” sheet.**

On motion of Commissioner Hatanaka, seconded by Commissioner Hoffenblum the Committee will use as a starting point and as a reference point, the Benchmark Plan (A1) as the frame of reference, then proceed through all the plans with revisions of that Benchmark Plan.

Commissioner Martinez – Are you suggesting that we take up each plan individually and then have on the side, the Benchmark Plan, and then try to reconcile the two?

Attachments: [SUPPORTING DOCUMENT - Proposed Review Criteria](#)
[SUPPORTING DOCUMENT - Plan Chart](#)

8. Consideration of redistricting plans submitted by the public, including discussion of potential revisions by Committee members. (11-3183)

On motion of Commissioner Hatanaka, seconded by Commissioner Hoffenblum the Committee will use as a starting point and as a reference point, the Benchmark Plan (A1) as the frame of reference, then proceed through all the plans with revisions of that Benchmark Plan.

Commissioner Martinez – Are you suggesting that we take up each plan individually and then have on the side, the Benchmark Plan, and then try to reconcile the two?

Commissioner Hatanaka – We have correspondence from constituents in addition to those references at the community meetings and at the regular meetings. There are areas where there could be adjustments to minimize the deviation; we can take communities like Rowland Heights and make that a whole community rather than having a couple block split out and separate. We can take areas like South East Whittier and annex that into the 4th District. We can take Santa Fe Springs and bring that into the 4th District. Make these kinds of adjustments, unifying cities bringing communities that are now detached from one district to another and use that as a strategy to try and meet our population targets for each of our districts. The issue of maintaining diversity and the integrity of communities of interest would be our chief point once Section 2 compliance has been met.

Commissioner Acebo – Point of clarification. This is not an acceptance of a plan as final, but as a starting point.

Commissioner Hatanaka – Yes.

Commissioner Martinez – Are we attempting to dwindle down the number of plans to be considered or are they all active?

Chair Pedersen – Yes, all the maps are still active.

Mr. Zimmerman – Before any action was made on an item, the Committee might want to allow members of the public to speak.

Additionally, Mr. Zimmerman stated, the Committee has already been presented with analysis on all the plans and has had some amount of discussion on them. Now some guidelines have been adopted and some parameters for review and for future consideration. Even with the use of the Benchmark as a starting point, the Committee may wish to narrow it down to a small amount that can be consistent with the criteria that you have adopted today, rather than going back through every one.

Chair Pedersen – None of the plans have been eliminated. It would be put to the Committee to further discuss any of the plans. There needs to be a starting point to facilitate the discussion on plans as requested by Commissioner Hatanaka.

Commissioner Hatanaka –Moved that A1 be amended to move Rowland Heights, South Whittier and Santa Fe Springs to the 4th District as part of his proposal.

Alan Clayton, a member of the public, addressed the Committee stating the motions are minimal changes. The clear issue of packing needs to be looked at closely. These minimal changes are designed to protect all incumbencies. This was demonstrated in the Garza case where they did protect the incumbency to the expense of the ability to create a district that was not at 50% but was around 44% to 46%. Back then, they were able to show that by 1987 they could create a 50% district. However, if your major concern is just protecting incumbency, you'll run in danger of violating Section 2. There is a strong argument that the issue of packing must be addressed. Mr. Clayton requested he be informed, when the Committee does the issue of polarized voting. Some cases have shown that the individuals hired to conduct such analyses do not do a complete polarized study that uses all the methodologies that have been adopted by the Supreme Court, resulting in a study that is problematic.

Chair Pedersen asked the Committee if there was any additional discussion on the item.

Ms. Takade stated the Committee would have an easier time moving forward with the item if the motion before the Committee was first completed.

Chair Pedersen asked if there were any additional motions to Item 8.

Commissioner Hoffenblum moved to amend Commissioner Hatanaka's motion to include the movement of Rosemead from the 1st to the 5th District, and Claremont, Covina and West Covina from the 5th to the 1st District. Commissioner Hatanaka accepted the friendly amendment.

Commissioner Martinez made a motion to amend the motion to include the movement of Monrovia and Duarte from the 5th to the 1st District, including adjacent slivers of unincorporated areas.

Commissioner Hoffenblum asked shouldn't the unincorporated areas be a separate motion?

Ms. Takade said the provisions in the rules are made for the conduct of orderly meetings, but they are not made to stop the conduct of efficient business.

Chair Pedersen followed up by stating this could be added. Commissioner Hoffenblum agreed if it can be made available.

Commissioner Martinez also requested to include MALDEF A or B and the LACBOS – African American Redistricting Coalition (AARC) as part of the discussion.

Chair Pedersen asked what type of analysis was being requested.

Commissioner Martinez - Did not want any analysis, but wanted the information as part of the discussion.

Ms. Takade - There was no need for a motion, as the information being requested would be available for basis of comparison.

Mr. Zimmerman - No plans have been rejected. They are all on the table.

Commissioner Acebo tried to clarify the request of Commissioner Martinez as being an expression of what should be a priority in terms of the conversation and to include the other plans in the discussion when we are discussing the Benchmark.

Therefore, the item was approved as amended with report backs are requested by Commissioners Hatanaka, Hoffenblum, Harris, and Martinez.

III. FUTURE MEETINGS

9. Future dates for Boundary Review Committee meetings. (11-3152)

Chair Pedersen reiterated to the Committee, there are two meetings scheduled for next week. They are Monday, July 11, 2011 and Wednesday, July 13, 2011; both to be held in Room 381B at 2:00 p.m.

Attachments: [SUPPORTING DOCUMENT - Meeting Schedule July 2011](#)

IV. MISCELLANEOUS

Matters Not Posted

10. Matters not on the posted agenda, to be discussed and (if requested) placed on the agenda for action at a future meeting of the Committee, or matters requiring immediate action because of an emergency situation or where the need to take action arose subsequent to the posting of the agenda. (11-3149)

No action was taken by the Committee.

Public Comment

11. Opportunity for members of the public to address the Committee on items of interest that are within the jurisdiction of the Committee. (11-3150)

Alan Clayton addressed the Committee regarding the Cano case. The court used variety of techniques to determine polarized voting. The court had a major concern over the methodology that was put forth by the plaintiffs in that case. He suggested the Committee look at that methodology versus the methodology the courts tend to use. Clearly it showed in the Cano case that Latinos tend to vote as a bloc; then the question came to the third prong. In terms of Bartlett, reading from Judge Kennedy's opinion, it talks about the issues dealing with creating majority/minority districts, and it says on Page 11 of the Lexis documents, "majority/minority districts are only required if all three 'Gingles' factors are met and if Section 2 applies on a totality of circumstances." This states that if you go to court, you have to prove all these factors. But you as a body do not have to prove all those factors. In the Supreme Court case of Voinovich vs. Quilter, it stated a legislative body has the ability to go ahead and draw. There is no prohibition against drawing majority/minority districts. Could you be sued? You could be sued under the issue of preponderance of race as well as bizarre shaped districts. The chances of that are pretty slim, and you have a defense in terms of using the traditional redistricting criteria and also using the socioeconomic criteria. I would like to see who you will have to do the polarized voting study.

Adjournment

12. Adjournment for the meeting of July 6, 2011. (11-3151)

The meeting was adjourned at 5:36 p.m.